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To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

Excerpts from:

<http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm>

The next step is a Tunney Act hearing, where the judge is supposed to determine if the settlement is in the public interest.

The last judge who held a Tunney Act hearing on a Microsoft antitrust settlement was so incensed by what he saw that he,
like the judge in the trial, shot off his mouth and got tossed off the case.

Will the states fold, too? Many will, no doubt.

Mere state governments don't have the money to fight a monopolist that generates more than \$1 billion in extra cash every month,
just a portion of the profits that even in an economic downturn keep rolling into the coffers.

Some states will probably keep fighting. Despite having won a case that showed Microsoft to be a sneering,
brutal lawbreaker -- with no intention of reforming -- they're now total underdogs.

There needs to be some feedback. To many companies are looking at M\$ as the business stratagey of the century. We don't want this.

I can't even fathom 1 billion a year, let alone a month.

Don't be a sham. If this was your last case what would you want people to say. Yea, he bent. That is what everyone is saying now. Don't lose your cool.

You will only be tossed from the case. Let them know that Justice is blind. You have your scales and you have the sword. Do what you know is right.

Not right for you and your family, but what is right in the big picture. I think you know what the big picture is.... the future. Let them know they can line lawyers and politicians
pockets with money, but not the judge.

In support:

Excerpts.

<http://www.cptech.org/at/ms/rnj12kollarkotellynov501.html>

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything
that would make Microsoft pay for its past misdeeds, and

this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of \$36.2 billion, up from \$31.6 billion the previous quarter -- an accumulation of more than \$1.5 billion per month.

This is astounding. It isn't a matter of if they can pay, because we know they can, it is a matter of penalty. The penalty should make them stop and think about what they are doing. They are getting rich from it. It has already been shown what they did was wrong. 8 Judges have said so. Don't let Politics get under the Lady Justices' blind fold. None of that should matter. It is all in your hands now.

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